

REMARKS

Claims 1 and 3-17 are pending in this application. Claims 1, 3, 13 and 14 are currently amended. Claims 4-12 and 15 are original. Claims 16 and 17 are new. Claim 2 has been cancelled, without prejudice. No new matter has been introduced.

Claims 1-4 and 7-15 have been rejected under 35 U.S.C.102(b) as being anticipated by Shapiro, and claims 5-6 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro in view of Durlacher. We respectfully traverse.

While Applicant does not concede that claims 1 and 13 as previously presented are anticipated by Shapiro, to expedite prosecution Applicant has amended claim 1 to a multi-level structure comprising a frame defined by permanent upright members, and at least one removable upright member disposed inside the frame and removable from the playset without disassembling the frame. As discussed in Applicant's specification at page 4, lines 1-7, this feature advantageously allows the playset to be converted to provide an open inner space defined by the outer frame, e.g., for a play area, picnic table or sand box.

Applicant respectfully submits that this feature is neither taught nor suggested by Shapiro, and would not have been obvious from the combination of Shapiro with Durlacher. The Examiner clarified his interpretation of Shapiro by a voicemail to Applicant's representative, Ms. Leber, which Applicant appreciates. The Examiner noted that, in his view, Shapiro could be construed as including removable uprights because Shapiro teaches that the uprights may be attached to the ground with angled brackets, and thus the Examiner contends that the uprights could be removed by disassembling the playset. While Applicant does not concede that this is a reasonable interpretation of "removable" in light of Applicant's specification, to clarify this point Applicant has amended claim 1 to recite that the removable upright member is removable from the playset without disassembling the frame defined by the permanent upright members. This is clearly not the case in the playset disclosed by Shapiro.

Nor does Durlacher provide any suggestion to modify Shapiro to include removable upright members. Durlacher discloses only horizontal removable members; he does not contemplate or suggest that upright support members of a playset could be removable.

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It is believed that no fees are due with this response. Please apply any charges or credits to deposit account 06-1050, referencing Attorney Docket No. 06702-008001.

Respectfully submitted,

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